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31 July 1985

MEMORANDUM FOR: AA/OSD/OGC
C/OSD/OGC
DC/ALD/OGC

FROM:

Legislation Division
Office of Legislative Liaison

STAT

SUBJECT: Rodino/Mazzoli Immigration Bill

1. Attached please find a copy of H.R. 3080. This is the immigration bill introduced by Representatives Rodino and Mazzoli, Chairmen, respectively, of the House Judiciary Committee and that Committee's Subcommittee on Immigration, Refugees and International Law. Also attached are their introductory statements.

2. I ask for your comments on the bill by 5 August 1986.

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Attachments
as stated

July 25, 1985

CONGRESSIONAL RECORD — HOUSE

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PARLIAMENTARIAN STATUS REPORT, HOUSE SUPPORTING DETAIL, FISCAL YEAR 1985 AS OF CLOSE OF BUSINESS JULY 24, 1985—Continued

(In millions of dollars)

	Budget authority	Outlays
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Assistance payments:		
Black lung trust fund	854	854
Civilian agency pay raise allowance	21	21
Defense pay raise allowance	294	308
Family social services	2,242	2,201
Fees and expenses of witnesses	46	79
Payment to civil service retirement	3	3
Offsetting receipts	41	41
Payment to foreign service retirement	-41	-41
Offsetting receipts	1	1
Payment to foreign service retirement	-1	-1
Offsetting receipts	5	5
Salaries of judges	-5	-5
Student loans	3	3
Supplemental security income	720	55
Veterans compensation	276	276
Total	194	
	4,653	3,800
III. Continuing resolution authority		
IV. Conference agreements ratified by both Houses		
Total, current level as of July 24, 1985	1,031,969	938,128
1985 budget resolution, House Concurrent Resolution 152	1,035,100	941,650
Amount remaining:		
Over ceiling		
Under ceiling	7,131	3,522

Note: Less than \$500 thousand. Detail may not add due to rounding.

LEBANON HOSTAGE CRISIS
REACHES 500 DAYS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. O'BRIEN], is recognized for 5 minutes.

● Mr. O'BRIEN. Mr. Speaker, Monday marks the 500th day since William Buckley, an officer of the U.S. Embassy in Beirut, was taken hostage by Lebanese gunmen.

Five hundred days. That's nearly 2 months longer than the U.S. Embassy was held hostage in Iran 5 years ago.

Five hundred days probably chained to a bed.

Five hundred days on a diet of rice and beans.

Five hundred days with no visit from the Red Cross.

Five hundred days probably without contact with the other hostages.

Five hundred days of virtual solitary confinement.

Five hundred days of wondering why we have forsaken him.

Sunday will mark the 200th day my good friend Father Martin Jenco of Joliet, IL, has been held hostage in Lebanon.

Another American, Rev. Benjamin Weir, will have been held hostage in Lebanon 444 days tomorrow; the same length of time the U.S. Embassy was held hostage in Iran 5 years ago.

Mr. Speaker, today is the 131st day of captivity for Terry Anderson of Batavia, NY, the Associated Press bureau chief in Beirut.

Today is the 45th day of captivity for Thomas Sutherland, the dean of agriculture at American University-Beirut.

Today is the 58th day of captivity for David Jacobsen of Huntington Beach, CA.

Today also marks the 233d day since the disappearance of Peter Kilburn, American University librarian.

Mr. Speaker, the United States today has a hostage crisis that has lasted longer than the Iranian hostage crisis of 5 years ago.●

LEGISLATION TO CONTROL
ILLEGAL IMMIGRATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, I am today introducing, along with the Honorable ROMANO L. MAZZOLI, chairman of the Immigration Subcommittee, the Immigration Control and Legalization Amendments Act. This bill is designed to address the question of illegal immigration in a fair and reasonable manner. It has two basic goals: To remove the incentive for illegal immigration into this country, and to regularize the status of those who have built up equities while in the United States but live in the uncertain and shadowy world of the undocumented alien.

Only a balanced bill can serve our national interest. Such a bill must attempt to establish control over our borders and at the same time preserve a just and equitable immigration policy.

This bill is patterned after the product of last year's conference, with some variations, and focuses on the urgent matter of illegal immigration, a problem that cannot be sidetracked by other issues.

First of all, the legislation creates disincentives for illegal entry by establishing civil and criminal sanctions for employers who knowingly hire undocumented aliens. Without sanctions, these employers can hire and exploit the vulnerable undocumented population with complete impunity. The consequences for American workers—particularly minorities—are severe. This situation cannot be allowed to continue.

At the same time, this bill aims to ensure that sanctions do not result in employment discrimination against members of any ethnic or minority group by specifically prohibiting discrimination based on citizenship or alien status. If we are to welcome immigrants and refugees to our shores, and if we expect them to become self-sufficient and productive, we must eliminate barriers to their employment.

Balanced against employer sanctions is a humane and generous program to regularize the status of undocumented aliens who for years have contributed to our economic well-being and have become a part of our society. I have used January 1982 as the eligibility date because, in my view, it represents the fairest and most practical approach to this most difficult problem and it is the date that was adopted by the House last year.

This is the essence of the bill: employer sanctions balanced by legalization.

Another provision I have included in this bill is one to streamline the current program for admitting temporary agricultural workers to this country. I continue to have strong reservations about any substantial expansion of our temporary worker program and did not originally support any revisions of this so-called H-2 Program in this legislation. Nevertheless, I have made provision in this bill for some changes in the program in order to respond to the concerns expressed by agricultural growers, both on the east coast and in California. In addition, I would hope that some consideration be given to including a numerical limitation on any revised H-2 Program, to prevent any substantial expansion of the program, and to require growers to demonstrate that such workers are needed.

As Americans, we must ask ourselves how much longer we are willing to pay

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the moral, social, and economic price of avoiding our sovereign responsibility to control our borders. Unless we act soon, a growing undocumented population can only translate into greater—if not total—disregard for the law and, regrettably, into an increasing opposition to legal immigration altogether. I am fearful that unless Congress acts to address this problem now, the time may come when America is forced to close its door to everyone. This would be a tragic outcome and must not be allowed to happen.

Our strength as a nation comes from our diversity as a people. We must never abandon our proud immigrant heritage nor forget our historical role as a nation of refuge and asylum.

For these reasons, legislation to resolve the illegal immigration problem is urgently needed. This bill is a reasonable attempt to balance our Nation's conflicting needs in a humane and measured fashion by restoring the integrity of our borders while remaining faithful to our immigrant tradition.

For my colleagues' convenience, I am including at this point in the RECORD a brief section-by-section analysis of the provisions of the bill.

SECTION-BY-SECTION ANALYSIS OF
IMMIGRATION BILL

Title I of the bill contains provisions designed to control illegal immigration. Section 101 makes it unlawful for any person to knowingly hire an undocumented alien and establishes a graduated civil penalty mechanism. It authorizes criminal penalties for "pattern or practice" violators—the egregious offenders. The bill exempts employers of three or fewer employees from sanctions. The bill contains two measures to protect against possible discrimination arising from sanctions.

First, Section 101 requires employers to verify the work authorization of all new hires and establishes a penalty for failure to verify. Employers who verify have an affirmative defense against sanctions. The bill specifically prohibits the creation of a national identification card.

Second, Section 102 creates the Office of Special Counsel in the Justice Department to monitor, investigate, and prosecute any charges of discrimination due to an unlawful immigration-related employment practice. Persons protected by this provision against discrimination based on citizenship or alien status are U.S. citizens and permanent resident aliens, refugees, asylees, and newly legalized aliens who have filed an intention to become U.S. citizens.

Section 111 increases the authorization of appropriations for enforcement and enhanced service activities of the Immigration Service, including community outreach.

Section 112 revises the criminal penalties for the unlawful transportation of unauthorized aliens into the United States. Section 113 requires the Attorney General to develop a contingency plan for the management of an immigration emergency, should one arise and authorizes a contingency fund for this purpose. Finally, Section 114 requires INS officers to obtain warrants or consent before entering a farm or field to apprehend undocumented aliens.

Title II of the bill provides for the legalization of undocumented aliens who have lived in the United States and have built up equities while here.

Section 201 provides temporary resident status for aliens who have continuously resided in the United States since before January 1, 1982. These temporary residents may become permanent residents after one year if they can show a minimal knowledge of English and U.S. government or are pursuing that knowledge. Newly legalized aliens would not be eligible for public assistance for five years.

Section 202 regularizes the status of certain Cuban and Haitians who are in the United States and who have remained in a legal limbo status for several years. Section 203 provides funding for five years to states and localities to meet any public assistance costs associated with the newly legalized aliens.

Title III of the bill revises certain portions of the current legal immigration provisions. Section 301 provides for a carefully structured and controlled H-2 or temporary worker program for agricultural labor. Section 302 establishes a transition program for agricultural producers allowing them to phase down dependence on undocumented alien labor over a three year period. All temporary workers would be guaranteed housing or a housing allowance and worker compensation.

Section 311 increases from 600 to 3,000 the number of immigrant visas available to colonies and dependencies. Section 312 requires foreign students to return home for two years after completing their studies before they can petition to remain permanently in the United States. Section 313 contains miscellaneous provisions recognizing the relationship between a natural father and his illegitimate child and defining continuous physical presence for the purpose of suspension of deportation under the law.

Finally, Title IV contains provisions requiring the President to study and submit reports on the impact of immigration, on the effectiveness of employer sanctions and any discriminatory effects, on the temporary agricultural worker program, and on the legalization program.

IMMIGRATION REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. MAZZOLI] is recognized for 5 minutes.

● Mr. MAZZOLI. Mr. Speaker, I am pleased to cosponsor the Immigration Control and Legalization Amendments Act, introduced today by the chairman of the House Judiciary Committee, PETER W. RODINO, JR.

I have worked on the vexing but interesting subject of immigration for 4 years. But, the gentleman from New Jersey has been identified with sensitive and humane immigration legislation from the very start of his rich career here in the Congress. Chairman RODINO's national and international reputation in this subject area adds immeasurably to the likelihood of moving a bill to the President's desk before the year's end.

Our bill has been developed on the strong foundation of the work done in the last Congress by the House Judiciary Committee, by the full House during the 7 days in June 1984 when it debated and adopted immigration reform, and by the House-Senate Conference Committee which labored carefully—and with much success—to

resolved the differing versions of immigration reform legislation passed in 1984 by the House and Senate.

A main goal of this legislation is to remove the magnet—readily available jobs—which lures persons into the United States illegally. The means to this vital goal is one of the core components of our bill: Sanctions on employers who knowingly hire undocumented aliens.

A second core element of the bill is a program to regularize the status of aliens who, despite having entered the United States illegally, have lived sober, hard-working, law-abiding, stable lives here and have added much to our Nation's well-being and prosperity. Now these persons have to live life in the shadows, on the run, and vulnerable to exploitation. Our bill corrects this unacceptable situation.

The final major element of the bill is a carefully controlled program for the temporary admission of foreign agricultural workers. This program seeks to address the legitimate concerns of the American agricultural community which needs a reliable supply of labor to harvest the crops and produce the fiber which feed and clothe America and the world.

The legislation Mr. RODINO and I are introducing is fair, balanced, and humane. But, it is not perfect. It needs and will be amended and perfected in the weeks and months ahead during the debate and markup process.

I tell my colleagues that the time has come at long last and the augurs are encouraging for the passage of a major immigration reform bill before the year's end.

To delay passage of sensitive but effective immigration legislation any longer is to flirt with the unraveling of America's historic and generous legal immigration and refugee policies because of the frustration, anger, and backlash which results in the American people from uncontrolled illegal crossing of their national borders.

The Subcommittee on Immigration I am privileged to chair will conduct extensive hearings in September, and Chairman RODINO has said it is his desire to complete markups and to proceed to the floor with this measure in the autumn.

If the House can maintain this timetable, there is every reason to be optimistic that a bill can be sent to the President before year's end.

TREASURY II IS NOT THE TAX
REFORM WE WERE PROMISED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. HORTON] is recognized for 5 minutes.

● Mr. HORTON. Mr. Speaker, there is nothing more upsetting than being promised one package of goods and then being delivered another. We greeted enthusiastically the President's pledge to deliver a tax reform

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99TH CONGRESS
1ST SESSION

H. R. 3080

To amend the Immigration and Nationality Act to revise and reform the immigration laws, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 1985

Mr. RODINO (for himself and Mr. MARSHALL) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to revise and reform the immigration laws, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE; REFERENCES IN ACT.

4 (a) SHORT TITLE.—This Act may be cited as the “Im-
5 migration Control and Legalization Amendments Act of
6 1985”.

7 (b) AMENDMENTS TO IMMIGRATION AND NATIONAL-
8 ITY ACT.—Except as otherwise specifically provided in this
9 Act, whenever in this Act an amendment or repeal is ex-
10 pressed as an amendment to, or repeal of, a provision, the

2

- 1 reference shall be deemed to be made to the Immigration and
- 2 Nationality Act.

TABLE OF CONTENTS

Sec. 1. Short title; references in Act.

TITLE I—CONTROL OF ILLEGAL IMMIGRATION

Part A—Employment

- Sec. 101. Control of unlawful employment of aliens and unfair immigration-related employment practices.
- Sec. 102. Fraud and misuse of certain immigration-related documents.

Part B—Improvement of Enforcement and Services

- Sec. 111. Authorization of appropriations for enforcement and service activities of the Immigration and Naturalization Service.
- Sec. 112. Unlawful transportation of aliens to the United States.
- Sec. 113. Treatment of immigration emergencies.
- Sec. 114. Restricting warrantless entry in the case of outdoor agricultural operations.

TITLE II—LEGALIZATION

- Sec. 201. Legalization of status.
- Sec. 202. Cuban-Haitian adjustment.
- Sec. 203. State legalization impact-assistance grants.

TITLE III—REFORM OF LEGAL IMMIGRATION

Part A—Temporary and Transitional Agricultural Workers

- Sec. 301. H-2A workers.
- Sec. 302. Agricultural labor transition program.

Part B—Other Changes in the Immigration Law

- Sec. 311. Change in colonial quota.
- Sec. 312. Students.
- Sec. 313. Miscellaneous provisions.

TITLE IV—REPORTS TO CONGRESS

- Sec. 401. Triennial reports concerning immigration.
- Sec. 402. Reports on unauthorized alien employment and discrimination in employment.
- Sec. 403. Reports on H-2A program and on agricultural labor transition program.
- Sec. 404. Reports on legalization program.